



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Charles R. Spies, Esq.  
Clark Hill, PLC  
601 Pennsylvania Ave NW  
North Building, Suite 1000  
Washington, DC 20004

JUL 03 2018

RE: MUR 6860  
Terri Lynn Land for Senate and Kathy Vosburg in  
her official capacity as treasurer  
Terri Lynn Land  
Dan Hibma

Dear Mr. Spies:

On May 10, 2018, the Federal Election Commission (the "Commission") accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 52 U.S.C. §§ 30116(a)(1)(A), 30116(f), and 30104(b)(3)(A), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Ana Peña-Wallace  
Attorney

Enclosure  
Conciliation Agreement

OFFICE OF  
GENERAL COUNSEL

**MUR 6860**

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NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).
- II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondents enter voluntarily into this agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:

### FACTUAL BACKGROUND

1. Terri Lynn Land was a candidate for U.S. Senate in Michigan during the 2014 election cycle. Terri Lynn Land for Senate is her authorized committee, and Kathy Vosburg is its treasurer.

2. Dan Hibma is Land's spouse.

3. During the 2014 election cycle, Land made two contributions totaling \$700,000 to the Committee with funds drawn from a personal account held solely in her name. Specifically, Land made a \$600,000 contribution on December 31, 2013, and a \$100,000 contribution on March 31, 2014.

4. Land's personal account did not contain sufficient balances on December 31, 2013, or March 31, 2014, to fund the contributions she made to the Committee on those dates. Consequently, on each of those days, Hibma wired funds from his own personal account to Land's account to cover the draws. Hibma wired a total of \$710,000 into Land's account for this purpose.

### LAW

5. The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that no person shall make contributions to any candidate and his or her authorized political committee with respect to any election for federal office which, in the aggregate, exceed \$2,600. *See* 52 U.S.C. § 30116(a)(1)(A). The Act prohibits any candidate or political committee from knowingly accepting any contribution that exceeds the limits set forth in the Act. *See* 52 U.S.C. § 30116(f). The Act defines the term "contribution" to include "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." 52 U.S.C. § 30101(8)(A)(i).

6. Federal candidates may make unlimited contributions from their "personal

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funds” to their campaigns. 11 C.F.R. § 110.10. “Personal funds” include (a) amounts derived from assets that, under State law, the candidate, at the time of candidacy, had legal right of access to or control over, and with respect to which the candidate had legal and rightful title or equitable interest; (b) income received during the current election cycle of the candidate, such as salary and other earned income from bona fide employment; bequests to the candidate, dividends and proceeds from the sale of the candidate’s stocks or other investments; income from trusts established before the beginning of the election cycle, and gifts of a personal nature that had been customarily received by the candidate prior to the beginning of the election cycle; and (c) amounts derived from a portion of the assets that are jointly owned by the candidate and the candidate’s spouse. 11 C.F.R. § 100.33. Their family members, however, are subject to the Act’s contribution limits. *See Buckley v. Valeo*, 424 U.S. 1, 53 n.59 (1976).

7. The Act requires committee treasurers to file reports of receipts and disbursements. 52 U.S.C. § 30104(b). These reports must include, *inter alia*, the identification of each person who makes a contribution or contributions that have an aggregate amount or value in excess of \$200 during an election cycle, in the case of an authorized committee of a federal candidate, together with the date and amount of any such contribution. *Id.* § 30104(b)(3)(A).

8. Respondents contend that they acted in good faith and any violation was inadvertent and unintentional. They contend that upon learning the funds may not be “personal funds,” they promptly segregated and deposited the funds into a separate bank account so that the funds would not be used in connection with the 2014 primary or general elections.

9. On November 5, 2014, Respondents refunded the \$700,000 in excessive contributions.

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V. Solely for the purpose of settling this matter expeditiously and avoiding litigation, with no admission as to the merit of the Commission's legal conclusions or with respect to any other proceeding, Respondents agree not to contest:

1. Hibma violated 52 U.S.C. § 30116(a)(1)(A) by making excessive contributions in the amount of \$700,000 to Land and the Committee.
2. Land and the Committee violated 52 U.S.C. § 30116(f) by accepting excessive contributions.
3. The Committee violated 52 U.S.C. § 30104(b)(3)(A) by failing to accurately report the contributions made by Hibma.

VI. Respondent will take the following actions:

1. Respondents will pay a civil penalty to the Commission in the amount of Sixty-Six Thousand dollars (\$66,000) pursuant to 52 U.S.C. § 30109(a)(5)(A).
2. Hibma will cease and desist from violating 52 U.S.C. § 30116(a)(1)(A).
3. Land and the Committee will cease and desist from violating 52 U.S.C. § 30116(f).
4. The Committee will cease and desist from violating 52 U.S.C. § 30104(b)(3)(A).
5. The Committee will amend its disclosure reports to reflect the contributions made by Hibma.

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

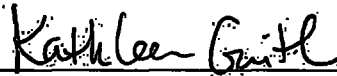
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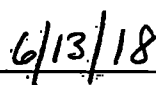
VIII. This agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

IX. Except as otherwise provided, Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

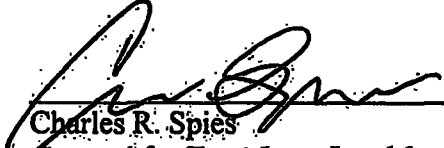
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

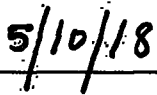
FOR THE COMMISSION:

  
Kathleen Guith  
Associate General Counsel  
For Enforcement

  
Date

FOR THE RESPONDENTS:

  
Charles R. Spies  
Counsel for Terri Lynn Land for Senate,  
Kathy Vosburg, Terri Lynn Land, and Dan Hibma

  
Date